

Contrary to Senate myth, the filibuster is not in our Constitution—just the opposite. The man who wrote that Constitution knew well how requiring supermajorities for routine bills had doomed the Articles of Confederation. They deliberately rejected a supermajority requirement for common legislation when they wrote the Constitution.

Defenders say the filibuster encourages bipartisan compromise. Look around you. Does anyone really believe for a minute that this is the new golden age of bipartisan compromise in the Senate?

There are proposals to mend the filibuster. We could bring back a talking filibuster. We all remember the movie “Mr. SMITH Goes to Washington,” where he withered and fell to the floor at his desk carrying on an endless filibuster. It isn’t that way any longer. Senators now can start a filibuster with a phone call and head home for the weekend. That is not what the filibuster was designed for. If a Senator feels strongly enough about an issue to grind the Senate to a halt, they should be willing to stand up and speak their mind and stay on the Senate floor.

Some have proposed changing the number of votes needed to end debate, possibly lowering the 60-vote requirement for cloture to 55. That is a precedent that at least is consistent with historical trends, but leaders of both parties need to agree on it.

I am willing to consider any reasonable plan that promotes genuine bipartisan cooperation and ends the tyranny of the minority. What we cannot do is nothing.

After a minority of Senators used the filibuster to prevent—for now—the creation of the January 6 Commission, we all went home for a long Memorial Day weekend. On my flight home and all that weekend, I thought of the young men who stormed the beaches of Normandy on D-day, running straight into enemy fire, knowing well that they might die to preserve democracy. And many of them did. Now we see Members of the Senate routinely abusing the filibuster because they are afraid to face an unpleasant vote or an angry insult from Donald Trump. Surely, we are better and braver than this.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAPO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 148, Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard J. Durbin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Chris Van Hollen, Martin Heinrich, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

(Mr. DURBIN assumed the Chair.)

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote or change their vote?

The yeas and nays resulted—yeas 55, nays 43, as follows:

[Rollcall Vote No. 234 Ex.]

YEAS—55

Baldwin	Heinrich	Reed
Bennet	Hickenlooper	Rosen
Blumenthal	Hirono	Sanders
Brown	Hyde-Smith	Schatz
Burr	Kaine	Schumer
Cantwell	Kelly	Shaheen
Cardin	King	Sinema
Carper	Klobuchar	Smith
Casey	Leahy	Stabenow
Collins	Lujan	Tester
Coons	Manchin	Van Hollen
Cortez Masto	Markey	Warner
Cramer	Menendez	Warnock
Duckworth	Merkley	Warren
Durbin	Murkowski	Whitehouse
Feinstein	Murphy	Wicker
Gillibrand	Murray	Wyden
Graham	Ossoff	
Hassan	Padilla	

NAYS—43

Barrasso	Hagerty	Romney
Blackburn	Hawley	Rounds
Blunt	Hoeven	Rubio
Boozman	Inhofe	Sasse
Braun	Johnson	Scott (FL)
Capito	Kennedy	Scott (SC)
Cassidy	Lankford	Shelby
Cornyn	Lee	Sullivan
Cotton	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Paul	Young
Fischer	Portman	
Grassley	Risch	

NOT VOTING—2

Booker Peters

The PRESIDING OFFICER. The yeas are 55, the nays are 43.

The motion is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the

Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 173, Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland.

Charles E. Schumer, Richard J. Durbin, Benjamin L. Cardin, Chris Van Hollen, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Martin Heinrich, Christopher Murphy, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Lydia Kay Griggsby, of Maryland, to be United States District Judge for the District of Maryland, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from Michigan (Mr. PETERS) are necessarily absent.

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 235 Ex.]

YEAS—57

Baldwin	Graham	Ossoff
Bennet	Grassley	Padilla
Blumenthal	Hassan	Reed
Brown	Heinrich	Romney
Burr	Hickenlooper	Rosen
Cantwell	Hirono	Sanders
Capito	Kaine	Schatz
Cardin	Kelly	Schumer
Carper	King	Shaheen
Casey	Klobuchar	Sinema
Collins	Leahy	Smith
Coons	Lujan	Stabenow
Cornyn	Manchin	Tester
Cortez Masto	Markey	Van Hollen
Duckworth	Menendez	Warner
Durbin	Merkley	Warnock
Ernst	Murkowski	Warren
Feinstein	Murphy	Whitehouse
Gillibrand	Murray	Wyden

NAYS—41

Barrasso	Hoeven	Rounds
Blackburn	Hyde-Smith	Rubio
Blunt	Inhofe	Sasse
Boozman	Johnson	Scott (FL)
Braun	Kennedy	Scott (SC)
Cassidy	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Fischer	Paul	Wicker
Hagerty	Portman	Young
Hawley	Risch	

NOT VOTING—2

Booker Peters

(Mr. BENNET assumed the Chair.)

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 57, and the nays are 41.

The motion is agreed to.